

HOUSE BILL NO. 40

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BROWN

Introduced: 1/11/93

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to genetic testing."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 21.36 is amended by adding a new section to read:

4 Sec. 21.36.085. RESTRICTIONS RELATING TO GENETIC TESTING. (a)

5 A health care insurer may not

6 (1) require or request directly or indirectly that an individual or a
7 member of an individual's family obtain a genetic test;

8 (2) require or request directly or indirectly that an individual reveal
9 whether the individual or a member of an individual's family has obtained a genetic
10 test or what the results of the test, if obtained by the individual or a member of the
11 individual's family, were;

12 (3) condition the provision of health insurance coverage or health care
13 benefits on whether an individual or a member of the individual's family has obtained
14 a genetic test or on what the results of the test, if obtained by the individual or a

1 member of the individual's family, were; or

2 (4) consider, in the determination of rates or any other aspect of health
3 insurance coverage or health care benefits provided to an individual, whether an
4 individual or a member of the individual's family has obtained a genetic test or what
5 the results of the test, if obtained by the individual or a member of the individual's
6 family, were.

7 (b) Notwithstanding (a) of this section, an insurer that writes life insurance
8 coverage or income continuation insurance coverage may request or require an
9 individual or a member of the individual's family to obtain a genetic test or to disclose
10 the results of a genetic test or otherwise obtain genetic test information about the
11 individual or a member of the individual's family, but the insurer may not

12 (1) use the information for writing or setting the rates for a type of
13 insurance coverage other than life insurance or income continuation insurance for the
14 individual or a member of the individual's family; or

15 (2) set rates for life insurance or income continuation insurance that are
16 not reasonably related to the risk involved as revealed by the genetic test results.

17 (c) In this section,

18 (1) "genetic test" means a test that uses deoxyribonucleic acid extracted
19 from an individual's cells in order to determine the presence of a genetic disease or
20 disorder or the individual's predisposition for a particular genetic disease or disorder;

21 (2) "health care insurer" means

22 (A) an insurer authorized under this title to offer, issue for
23 delivery, deliver, or renew an individual or group policy for health insurance
24 on an expense incurred basis;

25 (B) a hospital or medical service corporation authorized under
26 this title to offer or renew an individual's or group subscriber's contract for
27 health insurance; and

28 (C) a person that provides health care benefits or health
29 insurance for other persons on a self-insured basis;

30 (3) "health insurance" means an individual or group contract or other
31 plan that provides coverage of health care services; the term includes disability

1 **insurance under AS 21.12.050.**